

**SUBDIVISION ORDINANCE
OF LOVETTSVILLE, VIRGINIA
Adopted March 2, 2000**

Amended
July 25, 2002
November 20, 2008
May 13, 2010
April 12, 2012

ARTICLE I

GENERAL PROVISIONS

1.1. PURPOSE

The purpose of this Ordinance is to establish subdivision standards and procedures for the Town of Lovettsville, Virginia. These are part of a plan to guide and facilitate the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. This ordinance is enacted pursuant to the authority conferred in Chapter 22 of Title 15.2, Code of Virginia (1950), as amended.

1.2. COMPLIANCE REQUIRED, PENALTY

- (a) No person shall subdivide or develop land without fully complying with the provisions of the Subdivision Ordinance.
- (b) No plat of any subdivision shall be recorded unless it shall have been submitted to and approved by the Planning Commission or Zoning Administrator in accordance with this ordinance.
- (c) No person shall sell or transfer any land of a subdivision before such plat has been approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of an applicable subdivision ordinance. Nothing herein shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties of the instrument.
- (d) Any person violating the provision of this ordinance applicable to subdivisions shall be subject to a fine of not more than \$500.00 for each lot or parcel of land subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided herein.
- (e) No location permits shall be issued for any use of land or the placement of any structure on any land unless such land is subdivided or developed in compliance with this ordinance or was lawfully created or developed prior to the adoption of this ordinance.
- (f) No clerk of any court shall file or record a plat of subdivision required by this ordinance to be recorded until the plat has been approved as required herein.
- (g) It shall be unlawful for any person to violate any other provisions of this ordinance.

1.3. VALIDITY

Should any article, section, subsection or provision of this Subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Subdivision Ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

1.4. AMENDMENT

Amendments to this Ordinance, in whole or in part, may be recommended by the Planning Commission on its own initiative or at the request of the Town Council in accordance with the provisions and requirements of Section 15.2-2253, Code of Virginia, 1950, as amended. The procedure for amendments shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance; provided that no amendment shall be adopted by the Town Council without a referral of the proposed amendment to the commission for recommendation, nor until sixty days after such referral if no recommendation is made by the commission.

1.5 CONDOMINIUM DEVELOPMENT

The provisions of this Ordinance shall apply to condominium development in the same manner as they would apply to a physically similar project under a different form of ownership.

1.6. REPEAL

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

1.7. TITLE

This ordinance is known and may be cited as the “Subdivision Ordinance of Lovettsville, Virginia (2000).”

1.8. EFFECTIVE DATE

This Ordinance shall be in effect upon its passage.

1.9. CITATIONS TO VIRGINIA CODE

Citations to the *Code of Virginia* (1950), as amended may be made as “*Va. Code*”.

ARTICLE II

SUBDIVISIONS

2.1 PURPOSE AND INTENT

The purpose of these subdivision regulations is to ensure the appropriate division of land with adequate public facilities within the Town of Lovettsville, in a manner consistent with the Town Plan. It is further the intent of these regulations to encourage the development of safe and attractive residential neighborhoods; ensure the provision of appropriate public street access between and among adjacent properties.

2.2 GENERAL CRITERIA FOR REVIEW & APPROVAL OF SUBDIVISIONS

The Lovettsville Zoning Administrator or Planning Commission shall review and have the authority to approve all subdivisions of land within the town limits in accordance with the provisions of this ordinance. In approving such subdivisions, the Zoning Administrator or Planning Commission shall, in accordance with *Va. Code* sec. 15.2 be supplied with suitable information in order to make a determination that the proposed plat provides:

- (a) For the minimum graphic and information requirements of this Subdivision Ordinance
- (b) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, width, grades and drainage;
- (c) For adequate provisions for drainage and flood control and other public purposes, and for light and air and identifying soil characteristics;
- (d) For the extent to which and the manner in which streets shall be improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;
- (e) For the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed or proposed to be constructed within the subdivision any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other public improvement, and for the provision of other required improvements for vehicular ingress and egress, including traffic signalization and control, structures necessary to ensure stability of critical slopes, and stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer provides a guarantee for said improvements in compliance with Section 6.4 of this Ordinance;
- (f) For monuments of specific types to be installed establishing street and property lines.

2.3 BOUNDARY LINE ADJUSTMENTS

Boundary lines between two or more contiguous lots or parcels may be adjusted in accordance with the provisions of this section.

- 2.3.1 The relocation or alteration of the boundary of any lot or parcel of land, which was established as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision and properly executed by the owner(s) of such land and approved as provided in this ordinance or properly recorded prior to the applicability of a subdivision ordinance, if such relocation or alteration does not create any additional lots or involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility right-of-ways shall be relocated without the express consent of all persons holding interest therein may be submitted as a boundary line adjustment.
- 2.3.2 The boundary line adjustment shall result in lots which conform to the requirements of the Zoning Ordinance, or in the case of existing non-conforming lots, does not increase the extent of the non-conformance.
- 2.3.3 Five (5) copies of the plat and deed clearly delineating the existing and proposed lots shall be submitted to the Administrator. The plat and/or deed shall be executed by the owner or owners of such land as provided in *Va. Code sec. 15.2-2264*. The plat shall bear the seal and signature of a certified land surveyor. An approval block shall be included on the plat as follows:

APPROVED	
_____	_____
Zoning Administrator	Date

- 2.3.4 The applicant shall provide evidence that all real estate taxes which have been assessed against the property to be adjusted and all other Town charges due and owing from such developer, subdivider or person under this Ordinance have been paid.
- 2.3.5 The Administrator shall conduct a preliminary review of the application and shall notify the applicant in writing within ten (10) days that the application is complete and has been accepted or is rejected with the reasons for not accepting the application. Additional copies of accepted applications may be requested from the applicant.

- 2.3.6 The Zoning Administrator shall act on the application within 30 days of the time the Administrator determines the application to be complete. The Zoning Administrator shall approve the boundary line adjustment if in accordance with this ordinance and the Zoning Ordinance. If determined not to be in accordance with the Town's regulations, the Zoning Administrator shall not approve the application and shall state the reasons for disapproval in writing.

Within six months of approval, the subdivider or developer shall record the plat and/or deed in the land records of Loudoun County. Any plat not so recorded shall be deemed null and void.

2.4 RESERVED.

2.5. VACATING PLAT

Any plat of record may be vacated in accordance with the provisions of *Va. Code* sec. 15.2-2278.

2.6. MINOR SUBDIVISIONS

For the purpose of this Ordinance, a minor subdivision shall be defined as the creation of no more than five lots of record which do not require the extension of any public street or any public utilities. Applications qualifying as minor subdivisions need not include the submittal of preliminary plat information, but need only to submit the materials necessary for the final plat approval. The Zoning Administrator shall review minor subdivisions in the same manner as final plats, as specified in Section 2.9. The Planning Commission shall approve all Minor Subdivisions that request a variation(s) to the Town Ordinance.

2.7 PRELIMINARY SUBDIVISION PLATS

- 2.7.1 Application for preliminary plats shall include the following:

- (a) An application for preliminary plat
- (b) Five (5) copies of the preliminary plat. Additional copies of the plat may be required by the Administrator for review purposes
- (c) Application fee

- 2.7.2 The Zoning Administrator shall conduct an initial review of the application and preliminary plat of the proposed subdivision for completeness and technical accuracy. Within ten (10) working days, the Administrator shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on significant deficiencies in the proposed preliminary plat application. Applications that have been rejected pursuant to this section shall not be accepted for review until the deficiencies have been properly addressed. The date of the administrator's notification of acceptance shall be deemed the date the plat was officially submitted for purposes of calculating time periods.

- 2.7.3 Upon acceptance of a complete application, the Administrator shall request additional copies of the complete application and, upon receipt, shall forward the plat and related information to the appropriate review agencies including
- (a) Virginia Department of Transportation
 - (b) Loudoun County Fire Marshal
 - (c) Loudoun Water
 - (d) Lovettsville Town Attorney
 - (e) Lovettsville Town Engineer
 - (f) Any other Federal, State, or County agency which may have cause to review the application.
- 2.7.4 The Zoning Administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- 2.7.5 The Planning Commission shall act on the application within 60 days of the official submission of the application. The Planning Commission shall act to approve the plat, approve the plat with minor revisions agreed to in writing by the applicant, or disapprove the plat. If the plat is disapproved, the Zoning Administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the Planning Commission's disapproval and shall further specify what corrections or modifications would permit approval by the Planning Commission. This time period for action may be extended by mutual agreement of both the town and the applicant. The applicant's agreement shall be signified in writing.
- 2.7.6 Approval of preliminary subdivision plats shall be certified by the Planning Commission Chairperson or agent upon two (2) duplicate copies of the plat. Signature approval of the preliminary plat shall not be made until all outstanding fees associated with the review of the application have been paid to the town. The chairperson or agent shall sign and date the plats. One copy shall be returned to the applicant.
- 2.7.7 Approval of a Preliminary Plat shall be valid for one year following the commission action on the application. Two one-year extensions of preliminary plat approval may be requested as follows:
- (a) A written request for preliminary plat extension must be submitted at least 45 days prior to the expiration date of a preliminary plat. An extension request will not be considered after the expiration of an application.
 - (b) The request will be placed on the next Planning Commission agenda for consideration.
 - (c) There have been no significant amendments to this ordinance which would affect the plat.
- 2.7.8 Preliminary Plat applications which have been disapproved may be revised and resubmitted in accordance with Section 2.6.1. The resubmitted preliminary plat

application will be reviewed and processed in accordance with the procedures used for initial preliminary plat submission.

2.7.9 REQUIRED CONTENTS OF PRELIMINARY SUBDIVISION PLATS

The Zoning Administrator shall have the authority to waive one or more submittal requirements, if it is determined such information is not necessary for the review and approval of the plat and that failure to provide the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Zoning Ordinance or the Subdivision Ordinance. Waiver requests shall be made to the Zoning Administrator in writing and written approval granted prior to submission of the plat.

Unless a waiver is approved in writing, all applications for preliminary plat approval shall be accompanied by the following information:

(a) GENERAL INFORMATION

- (i) Name of the proposed subdivision
- (ii) Proposed use of the property
- (iii) Names and addresses of owner(s) of record and interest in property and subdivider
- (iv) Name, address, signature of professionals preparing the plat
- (v) Deed reference, tax map and parcel number
- (vi) Date plat was drawn and date of any revision
- (vii) Vicinity map
- (viii) Existing zoning, including any proffers associated with the property
- (ix) Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other Town charges due and owing from such developer, subdivider or person under this Ordinance have been paid
- (x) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that application has been made for subdivision of the subject property. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- (xi) Proof of any approved variances or waivers necessary for the subdivision
- (xii) Include the following note on the plat:

Preliminary plat approval is valid for a period of one year. One-year extensions of this approval will be considered annually. No more than two extensions will be considered in cases where an applicant has not recorded a final plat for any section of the preliminary plat. The applicant will not receive any notification from the Town of this plat's expiration. The applicant is

responsible for filing an extension request in accordance with the Town's ordinance in effect on the date of application.

(b) **PROJECT TABULATIONS**

- (i) Gross acreage of the subdivision, to the nearest one-tenth of an acre
- (ii) Number of lots
- (iii) Minimum lot area
- (iv) Average lot size
- (v) Minimum lot width
- (vi) Area in lots
- (vii) Area in common open space
- (viii) Common open space as percentage of the subdivision

(c) **EXISTING SITE CONDITIONS**

The preliminary plat shall illustrate the following conditions:

- (i) Boundary lines of the proposed subdivision
- (ii) Existing topography with a maximum of five-foot contour interval
- (iii) Location and full width of existing rights-of-way
- (iv) Location and width of existing roadways
- (v) Location and explanation of existing easements
- (vi) Location of existing driveways and access points on the subject property and within 200 feet of the site.
- (vii) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps
- (viii) All overland watercourses and drainage structures within the subdivision or within 100 feet of the subdivision
- (ix) Names of all abutting subdivisions or names or owners of record of abutting properties
- (x) Existing uses and zoning of all adjoining properties
- (xi) Indication of areas of tree cover on the property
- (xii) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.

(d) **GRAPHIC REQUIREMENTS**

The following graphic elements shall be provided:

- (i) All sheets shall be clearly and legibly drawn at a scale not less than 100 feet to the inch with a north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly labeled "Preliminary Plat." If more than one sheet is necessary, a match line and corresponding sheet numbering system provided.
- (ii) Location, right-of-way width and typical pavement section of all proposed streets, driveways and parking courts along with proposed street names

- (iii) The proposed lot and yard requirements with approximate dimensions lot areas and tentative lot numbers.
- (iv) Preliminary plans for water, storm and sanitary sewer systems for the subdivision, including any off-site improvements.
- (v) All proposed connections to existing water lines, sewer lines and storm drainage structures.
- (vi) Preliminary layout of provisions or facilities for collection and discharge of surface drainage.
- (vii) Preliminary plans for erosion and sedimentation control measures.
- (viii) Proposed phases or sections within the subdivision and the order of development.
- (ix) A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.
- (x) Location and size of existing and proposed public open spaces within and adjacent to the subdivision.
- (xi) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications.
- (xii) Location and size of required buffer yards.
- (xiii) Proposed modifications to 100-year floodplains.
- (xiv) Identification of tree protection areas within the subdivision.
- (xv) Location of proposed fire hydrants and/or distance to existing fire hydrant.
- (xvi) Location of proposed street lights.
- (xvii) Approval block on first sheet as follows:

APPROVED

Chair, Planning Commission

Date

2.8 CONSTRUCTION DRAWINGS

Upon approval of a preliminary subdivision plat, the applicant is authorized to submit the application and fees for final plat approval as well as the construction drawings for the public improvements necessary for the recordation of such lots. The final plat shall be reviewed and approved in accordance with the procedures of Section 2.9 of these regulations. Plats and construction drawings may be submitted for either the entire property that received preliminary plat approval or for individual sections within the subdivision. If submitted in sections, the sections shall be in substantial compliance with the development phases shown

on the approved preliminary plat, unless a modification in the phasing is approved by the Zoning Administrator.

2.8.1 Application for construction drawings shall include the following:

- (a) An application for construction drawings
- (b) Five (5) copies of the construction drawings. Additional copies of the construction drawings may be required by the Zoning Administrator for review purposes
- (c) Application fee
- (a) Include the following note on the cover sheet:

APPROVAL OF THIS PLAN IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER OR WATER. ISSUANCE OF LOCATION PERMITS SHALL BE SUBJECT TO THE AVAILABILITY OF WATER AND SANITARY SEWER CONNECTIONS.

2.8.2 The Zoning Administrator shall conduct an initial review of the application and construction drawings for completeness. Within ten (10) working days, the Administrator shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on significant deficiencies in the application. Applications that have been rejected pursuant to this section shall not be accepted for review until the deficiencies have been properly addressed. The date of the Zoning Administrator's notification of acceptance shall be deemed the date the application and drawings were officially submitted for review for purposes of calculating time periods.

2.8.3 Upon acceptance of a complete application, the Zoning Administrator shall request additional copies of the complete application and, upon receipt, shall forward the plat and related information to the appropriate review agencies including:

- (a) Virginia Department of Transportation
- (b) Loudoun County Fire Marshal
- (c) Loudoun Water
- (d) Lovettsville Town Attorney
- (e) Lovettsville Town Engineer
- (f) Any other Federal, State, or County agency which may have cause to review the application.

2.8.4 The Zoning Administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.

2.8.5 Construction drawings should consider the general criteria listed below:

- (a) Water Systems
Public water systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water.

- (b) **Sanitary Sewer Systems**
Public sanitary sewer systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water.
- (c) **Storm Drainage Systems**
Construction drawings for subdivisions shall include provisions for public storm drainage improvements in accordance with the standards and specifications of the Virginia Department of Transportation and the Loudoun County Facilities Standards Manual. Appropriate documentation demonstrating compliance with these standards shall be submitted with the construction drawings.
- (d) **Floodwater Management and Environmental Protection**
The construction drawings shall include appropriate provisions for environmental protection, including erosion and sediment control, tree preservation, slope protection and flood control in accordance with the Loudoun County Facilities Standards Manual.
- (e) **Transportation System and Circulation Network**
Construction drawings shall include plans, specifications and details necessary for the review and approval of public streets, parking courts, off-street parking, public sidewalks, bikeways and pedestrian paths in accordance with the Loudoun County Facilities Standards Manual and the standards and specifications of the Virginia Department of Transportation.

2.8.6 Approval block on first sheet as follows:

APPROVED	
Zoning Administrator	Date

- 2.8.7 The Zoning Administrator shall review the construction drawings within 45 days following acceptance of the plans. The Zoning Administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- 2.8.8 Within 45 days of official submission, the Zoning Administrator shall forward recommendation for approval or disapproval of the construction drawings to the applicant. If the plans are recommended for disapproval, the applicant shall be notified in writing of the recommendation and specify the deficiencies in the construction drawings.

- 2.8.9 If the construction drawings are disapproved, the applicant may resubmit revised plans in accordance with section 2.8.1 indicating how all deficiencies have been addressed. The plans shall be reviewed in accordance with the provisions for review of construction plans set forth in this section 2.8.

2.9 FINAL SUBDIVISION PLAT

Following approval of the preliminary subdivision plat, the applicant may submit the final subdivision plat for either the entire property which received preliminary plat approval or for individual sections within the subdivision. If submitted in sections, the sections shall be in substantial compliance with the development phases shown on the approved preliminary plat, unless a modification in the phasing is approved by the Zoning Administrator.

- 2.9.1 The final subdivision plat shall be in substantial compliance with the approved preliminary plat for the property. It is understood that the final location and alignment of required public improvements, as shown in the approved construction drawings, may result in minor alterations to the subdivision layout shown on the preliminary plat.
- 2.9.2 An application for approval of a final subdivision plat shall include the following:
- (a) An application for final subdivision plat
 - (b) Five (5) copies of the final subdivision plat. Additional copies of the plat may be required by the Administrator for review purposes
 - (c) Application fee
- 2.9.3 The Zoning Administrator shall conduct an initial review of the application and final subdivision plat of the proposed subdivision for completeness and technical accuracy. Within ten (10) working days, the Administrator shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on significant deficiencies in the proposed final subdivision plat application. Applications that have been rejected pursuant to this section shall not be accepted for review until the deficiencies have been properly addressed. The date of the Zoning Administrator's notification of acceptance shall be deemed the date of official submission for the purposes of calculating time periods.
- 2.9.4 Upon acceptance of a complete application, the Zoning Administrator shall request additional copies of the complete application and, upon receipt, shall forward the plat and related information to the appropriate review agencies including:
- (a) Virginia Department of Transportation
 - (b) Loudoun County Fire Marshal
 - (c) Loudoun Water
 - (d) Lovettsville Town Attorney
 - (e) Lovettsville Town Engineer
 - (f) Any other Federal, State, or County agency which may have cause to review the application.

- 2.9.5 The Zoning Administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- 2.9.6 The Zoning Administrator shall act on the application within sixty (60) days of the official submission of the application. If the plat is disapproved, the Zoning Administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval. This time period for action may be extended by mutual agreement of both the town and the applicant. The applicant's agreement shall be signified in writing.
- 2.9.7 The applicant shall file or record the approved final plat with the Clerk of the Circuit Court of Loudoun County within six (6) months of the date of final approval and shall furnish the Zoning Administrator with proof of recordation of the final plat, three prints and one reproducible copy of the executed final plat. The applicant shall also submit one copy of the final plat to the Loudoun County Commissioner of Revenue. If the applicant fails to file or record the final plat and provide the copies as required above, final plat approval shall be withdrawn by the Zoning Administrator and the final plat shall, after notification of the applicant, be marked "void" and returned to the applicant.

2.9.8 REQUIRED CONTENTS OF FINAL PLATS

The Zoning Administrator shall have the authority to waive one or more submittal requirements, if it is determined such information is not necessary for the review and approval of the plat and that failure to provide the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Zoning Ordinance or the Subdivision Ordinance. Waiver requests shall be made to the Zoning Administrator in writing and written approval granted prior to submission of the plat.

Unless a waiver is approved, all applications for final plat approval shall be accompanied by the following information:

(a) GENERAL INFORMATION

- (i) Name of the proposed subdivision, town, county and state
- (ii) Names and addresses of owner(s) of record
- (iii) Names of any holders of easements or liens affecting the property
- (iv) Name, address, signature of licensed professional surveyor or engineer who prepared the plat
- (v) Deed reference, tax map and parcel number and existing zoning
- (vi) Date plat was drawn and date of any revision
- (vii) Vicinity map indicating roads, names and numbers, town limits, subdivisions and other landmarks
- (viii) Boundary survey with an error of closure within the limit of one in ten thousand related to the true meridian or the Virginia State Grid with a minimum of three coordinated tick marks

- (ix) Proposed use of the property being subdivided
- (x) All covenants and restrictions which will run with the land
- (xi) Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other Town charges due and owing from such developer, subdivider or person under this Ordinance have been paid
- (xii) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that application has been made for subdivision of the subject property. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- (xiii) Proof of any approved variances or waivers necessary for the subdivision
- (xiv) Certificate signed by a surveyor or engineer, duly licensed by the Commonwealth of Virginia, setting forth the source of title and the place of record of the last instrument in the chain of title.
- (xv) The following note shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgement of deeds:

The platting or dedication of the following described land [here insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

(b) PROJECT TABULATIONS

- (i) Total area within the final plat, to the nearest one thousandth of an acre
- (ii) Data for all curves along street frontage showing: delta, radius, arc, tangent, chord and chord bearing
- (iii) Setback and yard requirements

(c) EXISTING CONDITIONS

- (i) Adjoining recorded subdivision plats and adjoining unplatted land with owner's name
- (ii) Accurate location of Town Corporate Limit Line, if within the subdivision or within 100 feet thereof
- (iii) Accurate location of all existing and recorded streets intersecting the boundaries of the tract
- (iv) Accurate location of all existing easements, public or private which are upon the property; and accurate location of existing easements upon the property which are proposed to be vacated.

(d) **GRAPHIC REQUIREMENTS**

The following graphic elements shall be provided:

- (i) The scale of the drawing shall be not less than 100 feet to the inch and such scale shall be clearly shown
- (ii) Each sheet shall be 18 by 24 inches and individually numbered
- (iii) All drawings shall be drawn with waterproof ink on suitable material
- (iv) A north arrow
- (v) If more than one sheet is necessary, the relationship between individual sheets shall be depicted
- (vi) All dimensions of all lots and parcels shown in feet and decimals of a foot to the nearest one hundredth of a foot; all bearings in degrees, minutes and seconds to the nearest one tenth second
- (vii) The number and area of all lots and parcels
- (viii) All survey monuments, lot corners, block markers and bench marks, together with their descriptions
- (ix) Boundaries, purposes and widths of all easements
- (x) All existing and platted streets, their names, numbers and right-of-way widths
- (xi) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use
- (xii) The accurate outline, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of all the property owners
- (xiii) The location and dimensions of any temporary cul-de-sacs and a statement regarding the reversion of land within the temporary turn-around
- (xiv) When the subdivision consists of land with more than one current land owner, outlines of the respective tracts shall be indicated by dashed lines, and identification of the respective tracts placed on the plat
- (xv) A signature line for the Zoning Administrator to certify that the proposed lots comply with the zoning regulations
- (xvi) Approval block on first sheet as follows:

APPROVED

Zoning Administrator

Date

(e) **OTHER INFORMATION**

- (i) A deed of dedication and/or deed of easement in a form approved by the Town Attorney

ARTICLE III

DEVELOPMENT

3.1 LAND DEVELOPMENT, GENERALLY

- 3.1.1 This article shall apply to development. Public improvements and such right-of-way and easement dedications required by this article shall be completed by the developer. The Zoning Administrator shall issue no zoning permit and no water or sewer connection shall be issued for any development unless requirements of this Article are met.
- 3.1.2 Developments with the following features are governed by this Article:
- (a) All uses in the commercial and industrial districts
 - (b) All permitted uses in residential districts, except single family detached dwellings and duplexes
 - (c) Developments in which automobile parking spaces are to be used by more than one establishment
 - (d) Developments involving new construction or expansion of structures
- 3.1.3 Developments described below are not governed by this Article:
- (a) Developments where a county building permit is not required
 - (b) Construction, reconstruction or expansion of structures where no public facilities are required or proposed and where the Zoning Administrator has certified that the development will have no adverse impact on existing public improvements or adjacent private property.
 - (c) Construction, reconstruction or expansion of structures where the Zoning Administrator has certified that the bonded value of the proposed public facility is less than three thousand dollars (\$3,000), and the private improvements have no adverse physical impact on adjacent private property.

3.2. PRE-APPLICATION PROCEDURE

- 3.2.1 Prior to submission of a preliminary site plan, the applicant may request a meeting with the Zoning Administrator to present a concept plan of the proposed development. A sketch plan of the proposed development at a scale not less than one hundred feet to one inch shall be provided to the Zoning Administrator at least five (5) days prior to the preapplication conference. The sketch plan shall generally show the proposed physical improvements to the property with approximate dimensions.
- 3.2.2 The Zoning Administrator shall prepare a brief written summary of the conference and provide a copy of the summary to the applicant within ten (10) days of the meeting.

- 3.2.3 The applicant shall not be bound by the determination of the preapplication conference, nor shall the Zoning Administrator or other review agency be bound by such review.

3.3 PRELIMINARY SITE PLAN

- 3.3.1 Preliminary site plans applications shall include the following:
- (a) An application for preliminary site plan
 - (b) Five (5) copies of the preliminary site plan. Additional copies of the plan may be required for review purposes
 - (c) Application fee for filing the preliminary site plan
- 3.3.2 The Zoning Administrator shall conduct an initial review of the application and preliminary site plan for completeness and technical accuracy. Within ten (10) working days, the Zoning Administrator shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on significant deficiencies in the preliminary site plan application. Applications that have been rejected pursuant to this section shall not be accepted for review until the deficiencies have been properly addressed. The date of the Zoning Administrator's notification of acceptance shall be deemed the date of official submission for purposes of calculating time periods.
- 3.3.3 Upon acceptance of a complete application, the Zoning Administrator shall request additional copies of the complete application and, upon receipt, shall forward the plan and related information to the appropriate review agencies including:
- (a) Virginia Department of Transportation
 - (b) Loudoun County Fire Marshal
 - (c) Loudoun Water
 - (d) Loudoun County Department of Environmental Resources
 - (e) Applicable utility companies
 - (f) Lovettsville Town Attorney
 - (g) Lovettsville Town Engineer
 - (h) Any other Federal, State, or County agency which may have cause to review the application.
- 3.3.4 The Zoning Administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- 3.3.5 The Zoning Administrator shall act on the application within sixty (60) days of the official submission of the application. If the plan is disapproved, the Zoning Administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval. The time period for action may be extended by mutual agreement of both the town and the applicant. The applicant's agreement shall be signified in writing.

- 3.3.6 Approval of preliminary site plans shall be certified by the Zoning Administrator, or agent upon two (2) duplicate prints of the plan. Signature approval of the preliminary site plan shall not be made until all outstanding fees associated with the review of the application have been paid to the town. The Zoning Administrator, or agent shall sign and date the plans. One set of plans shall be returned to the applicant.
- 3.3.7 Approval of Preliminary Site Plans is tentative and does not authorize the construction of any improvements within the development. No location permit shall be issued on the basis of a preliminary site plan.
- 3.3.8 Approval or conditional approval of a Preliminary Site Plan does not obligate the Zoning Administrator to approve the Final Site Plan.
- 3.3.9 Approval of a Preliminary Site Plan shall be valid for one year following Town action on the application. Two extensions of one year each of preliminary plan approval may be requested as follows:
- (a) A written request for preliminary site plan extension must be submitted at least 45 days prior to the expiration date of a preliminary plat. An extension request will not be considered after the expiration of an application.
 - (b) There have been no significant amendments to this ordinance which would affect the site plan.
- 3.3.10 Preliminary Site Plan applications which have been disapproved may be revised and resubmitted in accordance with Section 3.3.1. The resubmitted preliminary plan application will be reviewed and processed in accordance with the procedures used for initial preliminary plan submissions.

3.3.11 REQUIRED CONTENTS OF PRELIMINARY SITE PLANS

All preliminary site plans shall be prepared showing compliance with this ordinance and the zoning ordinance. The Zoning Administrator shall have the authority to waive one or more submittal requirements, if it is determined such information is not necessary for the review and approval of the plan and that failure to provide the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Zoning Ordinance or the Subdivision Ordinance. Waiver requests shall be made to the Zoning Administrator in writing and written approval granted prior to submission of the plan.

All preliminary site plans shall include the following minimum information unless waived by the Zoning Administrator:

- (a) GENERAL INFORMATION
 - (i) Name of proposed development
 - (ii) Proposed use of property

- (iii) Name and address of owner(s) of record and interest in property and developer
- (iv) Name, address, signature and registration of professionals preparing the plan
- (v) Deed reference, tax map and parcel number
- (vi) Date plan was prepared and date of any revision
- (vii) Vicinity map
- (viii) Existing zoning, including any proffers associated with the property
- (ix) Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other Town charges due and owing from such developer, subdivider or person under this Ordinance have been paid
- (x) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that application has been made for subdivision of the subject property. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- (xi) Proof of any approved variances or waivers necessary for this development
- (xii) Include the following note on the plan:

Preliminary site plan approval is valid for a period of one year. One-year extensions of this approval will be considered annually for two successive years. The applicant will not receive any notification from the Town of this plat's expiration. The applicant is responsible for filing an extension request in accordance with the Town's ordinance in effect on the date of application.

(b) **PROJECT TABULATIONS**

- (i) Gross acreage of the total development area to the nearest one-tenth of an acre
- (ii) Number of lots
- (iii) Number of parking spaces required and provided
- (iv) Proposed permitted uses by square footage and total square footage of buildings proposed
- (v) Interior parking lot landscaping tabulations
- (vi) Total landscaping area tabulations
- (vii) Height of building
- (viii) Minimum yard requirements on each boundary line
- (ix) Provided yard requirements on each boundary line
- (x) Minimum buffer yard requirements on each boundary
- (xi) Provided buffer yard requirements on each yard
- (xii) Percent of lot covered by
 - 1. building
 - 2. parking, drive, sidewalks

3. landscaping

- (xiii) Proposed floor area ratio (F.A.R.)

(c) EXISTING SITE CONDITIONS

- (i) Boundary line of the property with source of boundary identified
- (ii) Existing topography with maximum of five foot contours
- (iii) Location and width of existing right-of-way
- (iv) Location and width of existing roadways
- (v) Location and explanation of any existing easements
- (vi) Location and dimensions of existing driveways and access points on the property and within 200 feet of the site
- (vii) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (F.E.M.A.) maps
- (viii) All overland watercourses and drainage structures within the development or within 100 feet of the site
- (ix) Existing uses and zoning of adjoining properties
- (x) Indication of areas of tree cover on the property, including areas where tree protection or preservation measures will be taken. All trees with a diameter of eight inches or greater will be individually identified on the plat.
- (xi) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than 25 percent.

(d) GRAPHIC REQUIREMENTS

The following graphic elements shall be provided:

- (i) All sheets shall be clearly and legibly drawn at a scale not less than 100 feet to the inch with a north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly labeled "Preliminary Site Plan." If more than one sheet is necessary, a match line and corresponding sheet numbering system shall be provided.
- (ii) Location, right-of-way width and typical pavement section of all proposed streets, common driveways and parking courts.
- (iii) The proposed lot and yard requirements with approximate dimensions, lot areas and tentative lot numbers.
- (iv) Preliminary plans for water, storm and sanitary sewer systems for the development, including off-site improvements.
- (v) All proposed connections to existing water lines, sewer lines and storm drainage structures.
- (vi) Preliminary layout of provisions for collection and discharge of surface drainage.
- (vii) Preliminary plans for erosion and sediment control.
- (viii) A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.
- (ix) Location and size of existing and proposed public open spaces within and adjacent to the development.

- (x) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications for cul-de-sacs.
- (xi) The type and location of buffer yards required by the zoning ordinance.
- (xii) Approximate depths of cut and fill in areas of significant topographic changes.
- (xiii) Existing floodplain limits and approximate location of proposed modification.
- (xiv) Preliminary design of facilities proposed within common open space areas.
- (xv) Approval block on first sheet as follows:

APPROVED	
_____ Zoning Administrator	_____ Date

3.4 PRELIMINARY/FINAL SITE PLANS

- 3.4.1 A preliminary/final site plan may be submitted for those developments which have a lot size of five (5) acres or less. A preliminary/final site plan shall be designed in accordance with the provisions of this Ordinance and shall contain all required detail as specified for both a preliminary site plan and a final site plan. All documents that are required by this ordinance for a preliminary site plan and a final site plan shall be submitted.
- 3.4.2 The review and approval procedures for a preliminary/final site plan shall follow that of a final site plan as specified in this ordinance.

3.5 FINAL SITE PLAN

- 3.5.1 Final site plans applications shall include the following:
 - (a) An application for final site plan
 - (b) Five (5) copies of the final site plan. Additional copies of the plan may be required for review purposes
 - (c) Application fee for filing the final site plan
- 3.5.2 The Zoning Administrator shall conduct an initial review of the application and preliminary site plan for completeness and technical accuracy. Within ten (10) working days, the Zoning Administrator shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on significant deficiencies in the preliminary site plan application. An application

that has been rejected pursuant to this section shall not be accepted for review until the deficiencies have been properly addressed. The date of Zoning Administrator's notification of acceptance shall be deemed the date of official submission for purposes of calculating time periods.

- 3.5.3 Upon acceptance of a complete application, the Zoning Administrator shall request additional copies of the complete application and, upon receipt, shall forward the plan and related information to the appropriate review agencies including:
- (a) Virginia Department of Transportation
 - (b) Loudoun County Fire Marshal
 - (c) Loudoun Water
 - (d) Loudoun County Department of Environmental Resources
 - (e) Applicable utility companies
 - (f) Lovettsville Town Attorney
 - (g) Lovettsville Town Engineer
 - (h) Any other Federal, State, or County agency which may have cause to review the application.
- 3.5.4 The Zoning Administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- 3.5.5 The Zoning Administrator shall act on the application within sixty (60) days of the official submission of the application. If the plan is disapproved, the Zoning Administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval. The time period for action may be extended by mutual agreement of both the town and the applicant. The applicant's agreement shall be signified in writing.
- 3.5.6 Approval of final site plans shall be certified by the Zoning Administrator, or agent upon two (2) duplicate copies of the plan. Signature approval of the final plan shall not be made until all outstanding fees associated with the review of the application have been paid to the town. The Zoning Administrator, or agent shall sign and date the plans. One set of plans shall be returned to the applicant.
- 3.5.7 After approval of a final site plan, construction shall begin within one year or the site plan shall be void. Construction shall be defined as to include the placing of construction materials in permanent position and fastened in a permanent manner and work carried out diligently in accordance with the approved plan. Where excavation or demolition or removal of an existing building has substantially begun or prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.
- 3.5.8 An extension of the validity of the final site plan may be made on a yearly basis by the Zoning Administrator upon written request of the developer. The reasons

for this request must be stated. The Zoning Administrator may deny the request if the reasons submitted with the request do not demonstrate that the development, in accordance with the approved site plan, has been diligently pursued. In conjunction with the request for any extension, the final site plan shall be reviewed for conformance with all current regulations contained in the subdivision ordinance and the zoning ordinance at the time such review is undertaken. No extension shall be granted until any non-conformance is corrected and the developer has reimbursed the town for all expenses incurred in the review of the plan.

- 3.5.9 Final Site Plan applications which have been disapproved may be revised and resubmitted in accordance with Section 3.5.1. The resubmitted final plan application will be reviewed and processed in accordance with the procedures used for initial final plan submissions.

3.5.10 REQUIRED CONTENTS OF FINAL SITE PLANS

All final site plans shall be prepared showing compliance with these regulations, the zoning ordinance and all applicable federal, state and local regulations. The Zoning Administrator shall have the authority to waive one or more submittal requirements, if it is determined such information is not necessary for the review and approval of the plan and that failure to provide the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Zoning Ordinance or the Subdivision Ordinance. Waiver requests shall be made to the Zoning Administrator in writing and written approval granted prior to submission of the plan.

All final site plans shall include the following minimum information unless waived:

(a) GENERAL

- (i) Name of the proposed development
- (ii) Proposed uses of the development
- (iii) Names and addresses of owners of record and of the developer
- (iv) Names of any holders of existing easements affecting the property
- (v) Names, address, signature and registration of professionals preparing the plan
- (vi) Deed reference, tax map and parcel number or PIN number
- (vii) Date plan was prepared and date of any revisions
- (viii) Vicinity map at a scale of not less than 1 inch equals 1000 feet, indicating thereon roads and their names Town limits, subdivisions and other landmarks
- (ix) Boundary survey, with an error of closure within the limit of one in ten thousand, related to the true meridian or the Virginia State Grid with a minimum of three coordinated grid marks
- (x) Existing zoning, including any proffers associated with the property
- (xi) All covenants and restrictions which run with the property

- (xii) Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other Town charges due and owing from such developer, subdivider or person under this Ordinance have been paid
- (xiii) Names and addresses of all adjoining property owners, including proof that all such property owners have been informed in writing that the final site plan has been filed with the town. Such notification sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- (xiv) Proof of any approved variances or waivers necessary for the development
- (xv) The accurate outlines, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of all the property owners
- (xvi) Outlines of various parcels and identification of individual parcels which may comprise the proposed development
- (xvii) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use
- (xviii) Include the following note on the cover sheet:

APPROVAL OF THIS PLAN IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER OR WATER. ISSUANCE OF LOCATION PERMITS SHALL BE SUBJECT TO THE AVAILABILITY OF WATER AND SANITARY SEWER CONNECTIONS.

(b) PROJECT TABULATIONS

- (i) Gross acreage of the total development plan lot area to the nearest one-tenth of an acre
- (ii) Number of lots
- (iii) Number of parking spaces required and provided
- (iv) Proposed permitted uses by square footage and total square footage of proposed buildings
- (v) Interior parking lot landscaping tabulations
- (vi) Total landscaping area tabulations
- (vii) Height of building and number of floors
- (viii) Minimum yard requirements on each boundary line
- (ix) Provided yard requirements on each boundary line
- (x) Minimum buffer yard required on each boundary line
- (xi) Provided buffer yard on each boundary line
- (xii) Percentage of lot covered by
 - ((a)) Building
 - ((b)) Parking, Drive, Sidewalks
 - ((c)) Landscaping
- (xiii) Proposed floor area ratio (F.A.R.)

(c) Existing Site Conditions

The final site plan shall illustrate the following conditions:

- (i) Map of survey of the property boundary certified by a Commonwealth of Virginia Certified Land Surveyor with all existing property lines and dimensioned limits of area to be subject to final plan if different from the boundary
- (ii) Existing topography with maximum of two-foot contour intervals
- (iii) Location and full width of existing rights-of-way within 200 feet of site
- (iv) Location and full width of existing roadways within 200 feet of the site
- (v) Boundaries, purposes and widths of all easements; boundaries, purposes and widths of all easements or other rights-of-way proposed to be vacated
- (vi) Location and dimensions of existing driveways and access points on the property and within 200 feet of the site
- (vii) All survey monuments, lot corners, block markers and bench marks together with their descriptions
- (viii) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (F.E.M.A.) maps
- (ix) All overland watercourses and drainage structures within the development or within 100 feet of the development
- (x) Names of all owners of abutting properties
- (xi) Existing uses and zoning of abutting properties
- (xii) Identification of areas of tree cover on the property, including areas where tree protection or preservation measures are to be taken. All trees with a diameter of eight (8) inches or greater shall be individually located and identified on the plan
- (xiii) Identification of all existing slopes equal to or greater than 15 percent and further identification of slopes greater than 25 percent

(d) GRAPHIC REQUIREMENTS

The following graphic elements shall be provided:

- (i) All sheets shall be clearly and legibly drawn at a scale no more than 50 feet to the inch on numbered sheets 24 x 36 inches in size which shall be clearly marked Final Site Plan
- (ii) A north arrow
- (iii) Location, right-of-way widths, typical pavement section of all proposed entrances, parking lots, parking spaces, travel aisles, sidewalks and trails
- (iv) The yard requirements and the dimensioned building footprints, dimensioned layout of all site improvements with all dimensions tied to the boundary survey
- (v) Proposed grading shall be shown along with proposed elevations of the finish grade at all building corners, high points, low points

and all other appropriate locations necessary to define the finish grade.

- (vi) Storm drainage pipes and structures shall be shown with sizes and elevations indicated.
- (vii) Plans and profiles shall be provided for all proposed water, sanitary and storm sewers.
- (viii) Location, type size and height of all fencing, screening and retaining walls shall be included with all necessary details for construction
- (ix) The location of all building ingress and egress shall be indicated
- (x) All off street parking and parking bays, indicating the type of surfacing, size and angle of stalls, widths if aisles and a specific schedule showing the required number of parking spaces and the number of spaces proposed
- (xi) A landscape plan showing the location and type of all existing trees, identifying trees to be saved and those to be removed. The location, type number and size of all proposed landscape material shall be indicated.
- (xii) A soil overlay map at a scale of not less than one inch equals 200 feet with accompanying narrative
- (xiii) Location and size of existing and proposed public open spaces within and adjacent to the development
- (xiv) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication
- (xv) Two benchmarks which will not be disturbed by proposed construction shall be shown with elevations
- (xvi) The type and location of each buffer yard proposed with a listing of required plantings

(e) OTHER INFORMATION

- (i) A deed of dedication and/or deed of easement with plat for all rights-of-way, easements, or other properties to be conveyed to the town as a result of development in a form approved by the Town Attorney. Easements or other rights-of-way proposed to be vacated shall be depicted upon the plat and vacated by the deed.
- (ii) A Type II Geotechnical Report shall be submitted with all final site plans. The report shall be prepared under the direction of and certified by a professional engineer licensed in the Commonwealth of Virginia with experience in geotechnical engineering. The report shall meet all requirements for a Type II report as specified in the Loudoun County Facility Standards Manual.
- (iii) Final Site Plans should consider the general criteria listed below:
 - ((a)) Water Systems
Public water systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water.

- ((b)) Sanitary Sewer Systems
Public sanitary sewer systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water.
- ((c)) Storm Drainage Systems
Final Site Plans shall include provisions for public storm drainage improvements in accordance with the standards and specifications of the Virginia Department of Transportation and the Loudoun County Facilities Standards Manual. Appropriate documentation demonstrating compliance with these standards shall be submitted with the plans.
- ((d)) Floodwater Management and Environmental Protection
The Final Site Plans shall include appropriate provisions for environmental protection, including erosion and sediment control, tree preservation, slope protection and flood control in accordance with the Loudoun County Facilities Standards Manual.
- ((e)) Transportation System and Circulation Network
Final Site Plans shall include plans, specifications and details necessary for the review and approval of public streets, parking courts, off-street parking, public sidewalks, bikeways and pedestrian paths in accordance with the Loudoun County Facilities Standards Manual and the standards and specifications of the Virginia Department of Transportation.

ARTICLE IV

DESIGN STANDARDS AND REQUIREMENTS

In designing subdivisions and developments, the following design standards and requirements shall be observed, except where otherwise provided herein.

4.1 SITE ANALYSIS

An analysis shall be made of the characteristics of the development site such as geology and soils, topography, climate, existing vegetation, structures, road networks and visual features.

4.2 SUBDIVISION DESIGN

4.2.1 Design of the subdivision shall take into consideration all town and county plans for the surrounding area.

4.2.2 Subdivision of the site shall be based upon the site analysis. Development shall be located to preserve the natural features of the site, to avoid environmental features as identified for protection in The Town of Lovettsville Comprehensive Plan, and to minimize the negative effects and alteration of natural features to the extent practicable.

4.2.3 The following area shall be preserved as undeveloped open space to the extent consistent with the reasonable use of the land and in accordance with applicable state and town regulations:

- (a) Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972 and as field verified by on-site inspection;
- (b) Floodplain as defined by the Federal Emergency Management Agency (F.E.M.A.) or the Floodplain Map of Loudoun County for the Town of Lovettsville;
- (c) Slopes in excess of 25 percent as measured over a 10-foot interval unless appropriate engineering measures are taken concerning slope stability and erosion.

4.2.4 The development shall be designed to reduce cut and fill, avoid unnecessary impervious surfaces, prevent flooding, provide adequate access to lots and mitigate the adverse effects of noise, traffic, drainage and utilities on neighboring properties.

4.3 STREETS

4.3.1 Streets shall conform to the official plan of the Town and shall be coordinated so as to provide adequate circulation and access. Street patterns shall discourage through traffic in the interior of a residential subdivision. Where a street connection is appropriate for the anticipated development of adjoining land, the arrangement or extension of streets shall include the extension of the subdivision

- street to the edge of the subdivision. The street layout shall provide access from existing public roads to all lots and parcels of land within the subdivision.
- 4.3.2 Streets shall intersect as nearly as possible at right angles. The distance between the centerline of offset intersections shall not be less than 225 feet.
- 4.3.3 Streets shall generally conform to natural contours and shall provide for positive drainage. Centerline grades shall not be less than one-half of one percent, and not more than five percent, unless specifically approved by the Planning Commission.
- 4.3.4 Streets shall be graded and improved with pavement, street signs, sidewalks, driveway approaches, curbs, gutters, street lights and other public improvements required by this Ordinance.
- 4.3.5 Streets shall have a minimum right-of-way width of 50 feet unless otherwise required by the Virginia Department of Transportation or the Planning Commission.
- 4.3.6 Dead-end streets including stub streets ending in temporary turnarounds are to be no more than 600 feet long. All dead-end streets shall be provided with a turn-around at the end having a radius at the property line of at least 50 feet for a maximum length of 650 feet from the flow-line of gutter at the entrance to the property line at the radius of the cul-de-sac.
- 4.3.7 Subdivisions with twenty (20) or more lots shall provide a minimum of two points of access to existing public roads. Subdivisions with thirty (30) or more lots shall provide points of access onto two or more existing public roads. Access points to an existing public road within 300 feet to any other such access point shall be treated as a single point for purposes of meeting the requirements of this section.
- 4.3.8 There shall be no private streets created in any subdivision or development except for common parking courts in townhouse developments as provided in Section 4.6.
- 4.3.9 Street names shall not duplicate nor be similar to the names of existing streets in Loudoun County unless they are extensions of such streets. All street names shall be subject to Planning Commission approval at the time of Preliminary Plat approval.
- 4.3.10 Alleys shall be permitted in residential areas to provide access for parking at the rear of lots. Alleys may be required in commercial areas where appropriate. Rights-of-way for alleys shall be a minimum of thirty (30) feet with a sixteen (16) foot paved travelway. An agreement, in a form approved by the Lovettsville Town Attorney shall be recorded in the Land Records of Loudoun County and reflected in the change of title of all lots adjoining any such alley in order to set forth that the construction, repair and maintenance of the alley is not the responsibility of the Town nor the State and to set forth legally binding responsibilities for the parties who are responsible for construction, repair, maintenance, snow removal and all pertinent details. *(Amended 07-25-2002)*

- 4.3.11 All construction within public street rights-of-way or within areas to be dedicated street purposes shall meet the standards and specifications of the Virginia Department of Transportation.

4.4 PRIVATE ACCESS EASEMENTS

- 4.4.1 Private access easements designated and constructed in accordance with the following standards may serve as frontage in lieu of a public street for a maximum of one (1) lot in any subdivision or resubdivision.
- 4.4.2 Private access easements shall conform to the following requirements:
- (a) The minimum width of any such easement shall be 24 feet. Additional easement width may be required at specific locations to accommodate slope maintenance, drainage, sight distance or other features.
 - (b) No structure of any kind shall be erected closer than 10 feet to any private access easement line.
 - (c) Private access easement travelways shall have a minimum width of 12 feet and shall be constructed of a minimum of six (6) inches of gravel.
- 4.4.3 For any subdivision or development of a tract of land involving a private access easement, or other designated right-of-way which is to be privately maintained, the plats, plans and deeds recorded for the subdivision or development and for the lot served by such easement shall contain the following statement:

“The access serving this lot is private and its maintenance, including snow removal, is NOT a public responsibility. It shall not be eligible for acceptance into State secondary system for maintenance until such time as it is constructed to and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause this street to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and by the Town of Lovettsville.”

- 4.4.4 An agreement, in a form approved by the Lovettsville Town Attorney, shall be recorded in the Loudoun County land records and reflected in the chain of title of such lot in order to set forth that the construction, repair and maintenance of the roadway connecting such lot to the public road system is not the responsibility of the Town nor the State and to set forth legally binding responsibilities for the parties who are responsible for construction, repair, maintenance, snow removal and all pertinent details. The agreement shall be between the owner of the lot, the contract purchaser, and other parties, if pertinent to the purpose of the agreement.

4.5 BLOCKS AND LOTS

- 4.5.1 Residential blocks shall not exceed 1,200 feet in length.

- 4.5.2 The lot area, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance requirements. Lots shall be regularly shaped and shall not contain peculiarly shaped elongations unusable for normal purposes in order to provide the necessary square footage of area. Lot dimensions shall comply with the minimum requirements of zoning regulations for area and width in accordance with law.
- 4.5.3 Side lot lines shall be generally at right angles or radial to street rights-of-way unless the administrator concludes that a variation from this will give a better lot layout.
- 4.5.4 Double frontage lots are permitted adjacent to a major arterial with the provision of a ten (10) foot buffer strip of open space along the major arterial frontage. There shall be no right of access through the buffer strip to the major arterial.
- 4.5.5 Every lot shall front on an approved public street, except as otherwise provided herein.

4.6 DWELLINGS ABUTTING COMMON PARKING COURTS

Single family attached (townhouse) dwelling lots may abut a common parking court if the criteria of this section are met. All other residential lots are required to streets intended for acceptance by the Virginia Department of Transportation for maintenance.

- 4.6.1 **APPROVAL CRITERIA:** The Planning Commission may approve subdivision and land development applications for common parking courts, provided that the Commission determines that:
 - (a) The development layout will provide a greater amount of usable open space than if a public road section was utilized;
 - (b) Perpetual maintenance of the common parking court by a property owners' association or other entity is guaranteed through appropriate legal documents;
 - (c) The common parking court will provide adequate and convenient parking for all residents and their guests at a minimum rate of 2.5 parking spaces per dwelling unit.
 - (d) The development layout will not conflict with any future road extensions identified in the Transportation Section of the Town Plan;
 - (e) Use of common parking courts will not conflict with providing an adequate network of streets in the area.
- 4.6.2 **STANDARDS:**
 - (a) A minimum of four (4) acres shall be required for any development proposing the use of common parking courts.

- (b) Each common parking court shall serve no more than 30 dwelling units per entrance.
- (c) A minimum travelway width of 25 feet shall be provided, exclusive of parking spaces.
- (d) No common parking court shall be located closer than 25 feet to any abutting residential zoning district or the lot line of any residential property which is not directly served by the common parking court.
- (e) The minimum centerline radius of common parking court travelways is 50 feet with no adjacent parking.
- (f) No common parking court may extend more than 600 feet from a public right-of-way as measured along the travelway centerline.
- (g) The maximum grade for common parking courts shall be nine (9) percent.
- (h) All parking spaces in common parking courts shall have adequate angle of approach and angle of departure.
- (i) A minimum separation of 100 feet shall be provided between internal intersections with the travelway as measured centerline to centerline.
- (j) Each common parking court shall be clearly identified as a private roadway. A single sign, not to exceed two (2) square feet in area shall be posted at the entrance of such parking court displaying only the words "Private Parking Court" and the addresses of any residences utilizing the parking court.
- (k) Common parking courts shall be adequately landscaped to ensure the residential character of the development.

4.7 EASEMENTS

- 4.7.1 Easements shall be provided where necessary for sanitary sewer, water mains, electric lines, telephone lines, cable television lines and other necessary services. The location of existing easements of record and easements created in conjunction with the subdivision or development shall be indicated on final subdivision plats. Construction drawings for subdivisions or site plans shall show existing easements of record and easements being created and shall also indicate the proposed location of electric, telephone and cable television easements in order to avoid conflicts with other utilities and rights-of-way.
- 4.7.2 When any stream or substantial surface drainage course is located in the area being subdivided or developed, appropriate provisions shall be made for an adequate easement along the stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the streets or drainage course for drainage purposes. Such easement shall not be considered part of the width of any required street or other required easement.

4.8 TREE PRESERVATION AND LANDSCAPING

- 4.8.1 Existing tree cover within any proposed subdivision or development shall be preserved to the fullest extent practicable and taken into account in the design of improvements and grading of the property.
- 4.8.2 Every subdivision or development shall retain all existing, healthy trees measuring eight (8) inches or more in diameter measured at three (3) feet above the ground.
- 4.8.3 No excavation, embankment, subsurface disturbance or construction activity shall take place within an area equal to one (1) foot of horizontal distance for each inch of trunk diameter of any tree to be retained. No impervious surface may be located within 12.5 feet of any such tree. Adequate tree protection measures shall be taken during construction.

4.9 DRAINAGE

- 4.9.1 Each subdivision and development shall provide for adequate drainage for stormwater. This drainage shall be designed to convey onsite and offsite stormwater to an adequate outfall.
- 4.9.2 Concentrated stormwater runoff leaving a subdivision or development shall be discharged directly into a well defined, natural or manmade receiving channel or pipe.
- 4.9.3 Existing drainageways shall be utilized for stormwater management facilities where required. Best management practices (BMPs) are required for all subdivisions and developments. Northern Virginia BMP Handbook: A Guide to Planning and Designing Best Management Practices in Northern Virginia, by the Northern Virginia Planning District Commission & Engineers and Surveyors Institute should be consulted to determine the most appropriate and effective BMPs for a specific site.

ARTICLE V

REQUIRED INSTALLATION OF PUBLIC IMPROVEMENTS

5.1 FLOODPLAIN UTILITY INSTALLATIONS – GENERAL POLICIES

- 5.1.1 All utilities such as electrical, telephone and cable television systems being placed in flood prone areas shall be installed to minimize the chance of impairment of both facilities and the flood zone during a flooding event.
- 5.1.2 All water and sewer facilities (public and private) are to be designed and constructed to prevent infiltration of flood waters and exfiltration of potable water and sewage.
- 5.1.3 All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall provide drainage away from buildings and on-site waste disposal sites.
- 5.1.4 Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the level of flood flow. Drainage structures shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

5.2 STREETS, SIDEWALK, CURB AND GUTTER

- 5.2.1 Streets shall be built for the full width as prescribed by the Virginia Department of Transportation. Curb and gutter shall be provided along all public streets. Street name signs shall be provided at all street intersections. When a subdivision or development abuts one side of any public street, the subdivider or developer shall be required to construct street improvements, storm drainage facilities, pavement, curb and gutter and sidewalk on the subdivider's or developer's portion of existing streets.
- 5.2.2 Sidewalks shall be built on both sides of each street, whether in the State System or not. Sidewalks shall be composed of concrete or brick and not less than five (5) feet wide and installed according to Town and Virginia Department of Transportation specifications. If the subdivision lies only on one side of an existing public street, sidewalks shall be required only as to that side of such street.
- 5.2.3 Street lights in accordance with Town specifications and as approved by the Planning Commission shall be installed according to the standards and specifications of the Virginia Department of Transportation, Dominion Virginia Power and any other appropriate public safety agency.
- 5.2.4 Whenever the need for reasonable and necessary road improvements on roads located outside the property limits of the land owned or controlled by a subdivider or developer as substantially generated or reasonably required by construction or improvements of the developer's subdivision or other development project, the developer may provide the funds for such off-site road improvements, in lieu of

directly providing such improvements. In the event a developer provides funding for off-site road improvements, the Town Council may agree to reimburse the developer in accordance with and pursuant to the provisions *Va. Code* sec. 15.2-2242.A.4.

5.3 PUBLIC UTILITIES INSTALLATION STANDARDS

- 5.3.1 Water supply and distribution facilities shall be provided in accordance with the standards and specifications of the Town and Loudoun Water. Fire hydrants shall be provided in accordance with the requirements established by the Loudoun County Fire Marshal.
- 5.3.2 Whenever the need for reasonable and necessary sanitary sewer, storm sewer, water and other drainage facilities located outside the property limits of the land owned or controlled by a subdivider or developer is substantially generated or reasonably required by construction or improvements of the developer's subdivision or other development project, the Council may require the developer to pay a pro rata share of the cost of constructing such facilities, pursuant to and in accordance with the provisions of *Va. Code* sec. 15.2-2243.
- 5.3.3 All public utilities, as defined in the Subdivision Ordinance, shall be installed underground in accordance with the Loudoun County Standards, Facilities Standards Manual and related ordinances and any applicable State or Federal Regulations, including the regulations in this section.
- 5.3.4 All underground installation of utilities shall be based upon proposed finished grade as shown on approved construction plans. No utility shall be at a depth less than required by the State or Loudoun County regulations subsequent to final grading.
- 5.3.5 Equipment, such as electric distribution transformers, switchgear, meter pedestals, which normally are installed above ground, may be so installed.
- 5.3.6 Meters, service connections and similar equipment, normally attached to the outside wall of the premises they serve, may be so installed.
- 5.3.7 Temporary overhead facilities required for construction purposes shall be permitted.

5.4 STORM DRAINAGE, EROSION AND SEDIMENTATION CONTROL, FLOOD ZONE MANAGEMENT AND CONTROL

- 5.4.1 Disposal of storm, subsurface and surface waters with on-site and off-site underground facilities to carry such waters to the nearest adequate outfall shall be made as follows:
 - (a) On-site and off-site improvements shall be made so that downstream properties are not harmed by pollution, flooding, erosion or sedimentation resulting from the subdivision or development.

- (b) Culverts and bridges shall be required where overland streams intersect any street right-of-way.
 - (c) Existing water courses entering the subdivision or development shall be received and discharged as nearly as possible in the manner as existed prior to the subdivision or development. If downstream flood waters increased by the subdivision or development cannot be accommodated without damage to downstream properties, the subdivider or developer shall provide appropriate retention and controlled release of stormwater entering upon or generated within the site.
 - (d) The design and construction of drainage facilities shall be such that all water courses traversing the subdivision or development and water originating from outside or within the subdivision or development shall be carried through and off the subdivision or development without creating an adverse drainage condition to roadways or residential sites within the tract and without injury to roadways, residential sites or other lands abutting to or in the vicinity of the tract.
- 5.4.2 Temporary and permanent control of erosion and sedimentation during all phases of clearing, grading and construction shall be provided.
- 5.4.3 Buildings within subdivisions and developments shall not be located within flood zones except as permitted by the Zoning Ordinance.
- 5.4.4 Storm drainage, erosion and sedimentation controls shall be completed in accordance with plans and profiles prepared for the subdivider or developer by a registered professional engineer or a licensed 3(b) surveyor as approved by the Planning Commission.

5.5 MONUMENTS

- 5.5.1 Permanent monuments shall be installed at all corners, angles and points of curvature in the subdivision boundaries, in the right-of-way lines of all streets and other public areas within the subdivision and in at least two points in each block.
- 5.5.2 Permanent monuments shall be four (4) inches in diameter and two (2) feet in length, set in concrete with the top not less than one (1) inch nor more than four (4) inches above finish grade. Iron pipes shall be set at the corners of each lot.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

6.1 ZONING ADMINISTRATOR

6.1.1 This ordinance shall be administered by the Zoning Administrator of the Town of Lovettsville who shall be appointed by the Town Council to perform the following duties:

- (a) Ensure that all requirements of this ordinance are fully met by a subdivider or developer.
- (b) Provide for the inspection of improvements required by this ordinance.
- (c) Distribute copies of plans and plats to appropriate officials and agencies for their review.
- (d) Make recommendations in writing to the Planning Commission for action on all preliminary plats and for those final subdivision plats and preliminary and final site plans requesting variations to the Town's requirements .
- (e) Interpret and apply this ordinance, giving due regard to comments by reviewing officials and agencies.
- (f) Receive, review and maintain records of all submissions made under this ordinance.
- (g) Issue orders for compliance to subdividers and developers including orders to discontinue work in the event of non-compliance with this ordinance and institute such action as may be necessary to secure compliance with this ordinance.
- (h) Evaluate waiver requests in accordance with the standards in this ordinance.

6.2 PLANNING COMMISSION

6.2.1 The Planning Commission shall perform the following duties:

- (a) Evaluate the recommendations of the Administrator with regard to subdivision and development applications as required by this ordinance.
- (b) Review the preliminary plat submitted by a subdivider or developer and either approve, conditionally approve or disapprove the preliminary plat.
- (c) Review the final plat submitted by a subdivider or developer with respect to this ordinance, the Zoning Ordinance and any other applicable documents as may be adopted by the Council and either approve, conditionally approve or disapprove the final plat if a variation to the Town ordinance is being requested by the applicant.
- (d) Make recommendations to the Council concerning amendments to this ordinance.

6.2 VARIATION

- 6.2.1 Upon application by a subdivider or developer, the Planning Commission may authorize a variation in the substantive regulations contained in Articles IV, Design Standards and Requirements and V, Required Installation of Public Improvements of this Ordinance when it finds that a variation is warranted due to an unusual situation or when strict adherence to the general regulations would result in substantial injustice or hardship. In all cases, the Planning Commission will be responsible for reviewing all subdivision and development applications that request variations to this Ordinance.
- 6.2.2 In making application for a variation, the applicant must demonstrate in writing that:
- (a) The requested variations are in keeping with the purpose and intent of this Ordinance;
 - (b) The granting of said variation would not be of substantial detriment to adjacent property;
 - (c) The granting of said variation would not be contrary to the public health, safety and general welfare;
 - (d) The situation is not of a general or recurring nature for similarly situated properties within the Town.
- 6.2.3 In deciding an application for variation, the Planning Commission shall be guided by its findings with regard to the preceding test, together with the following items and any other such pertinent information as is necessary for the Commission to make its findings:
- (a) The construction drawing reflecting the requested variation is recommended for approval by the Zoning Administrator based on agency review comments;
 - (b) Any variation in street requirements is reasonable in relation to ultimate projected traffic generation and will not result in street sections that do not satisfy minimum Virginia Department of Transportation standards;
 - (c) Any variation in sidewalk standards is compensated through an adequate alternative provision for pedestrian traffic.
- 6.2.4 No variation granted pursuant to this section shall relieve the obligations of the subdivider or developer to comply with any other applicable local or state regulations.
- 6.2.5 In authorizing a variation, the Planning Commission may impose such conditions regarding location, character and other features of the proposed subdivision or development as it may deem necessary in the public interest, and may require a guarantee or bond to insure compliance with the conditions imposed.
- 6.2.6 Applications for variation may be made by any subdivider or developer. Once the application has been determined to be complete by the Zoning Administrator, the

application and accompanying maps, plans, or other information shall be transmitted promptly to the Planning Commission for consideration and action. The Administrator shall also transmit a copy of the application to the Council.

- 6.2.7 Upon the initial public meeting to consider a variation application, the Planning Commission shall determine whether the potential public impacts of the request warrant a public hearing. If it is determined that a public hearing is warranted, such hearing shall be scheduled within thirty (30) days of said determination. Notice of public hearing be given in accordance with *Va. Code* sec. 15.2-2204. The Planning Commission shall take action to approve, approve with conditions, or deny the application within thirty (30) days of the initial public meeting if no public hearing is held or within sixty (60) days of the initial public meeting if a public hearing is held.

6.3 BONDING OF REQUIRED IMPROVEMENTS

- 6.3.1 Bonding of required improvements shall be made to obtain guarantees acceptable to the Town insuring the timely and proper installation of required subdivision and development improvements. Bonds shall be posted to guarantee the installation of improvements for all developments described below:
- (a) All improvements described in *Va. Code* sec. 15.2-2241 that will be accepted for public use and public maintenance by the Town of Lovettsville or the Virginia Department of Transportation;
 - (b) All other improvements required by the Zoning Ordinance and Subdivision Ordinance as permitted in *Va. Code* sec. 15.2-2241 A 4, and as determined by the Administrator;
 - (c) Improvements proffered as part of any zoning map amendment as required by the Administrator in accordance with *Va. Code* sec. 15.2-2297;
 - (d) Improvements offered as part of any variation granted pursuant to section 6.3, variance or conditional use application as required by the Planning Commission in accordance with section 6.3 or Board of Zoning Appeals in accordance with *Va. Code* sec. 15.2-2303 or 15.2-2309.
- 6.3.2 All improvements proffered during the rezoning process shall be bonded at the time the first subdivision plat or site plan is approved unless a phasing plan is approved by the Planning Commission and phased bonding therefore is approved by the Town Council. [NOTE: How do you want this one to go?]
- 6.3.3 These bonding procedures shall not apply to developments in which the only required improvement is the installation of entrance to public streets.
- 6.3.4 The Town Council shall have the authority to:
- (a) Review and approve, disapprove and modify performance agreements.
 - (b) Accept public improvements that have been installed in accordance with final plans subject to the requirements of Section 6.4.9 of this Ordinance.

- (c) Release subdividers and developers from obligations of performance agreements for installation of public improvements and release performance bonds posted to guarantee such contracts as described in Section 6.4.9 of this Ordinance.

6.4.0 [NOTE: this number is wrong. It should be 6.4. The following numbers should be adjusted, accordingly.] PROCEDURES FOR ESTABLISHING A BOND AGREEMENT

- (a) To establish a bond agreement with the Town of Lovettsville the following forms shall be executed:
 - (i) Agreement for Construction of Improvements
 - (ii) Estimate of Improvements
 - (iii) Bond guarantee, as described in Section 6.4.6.
- (b) The bond agreement forms must be filed with the Zoning Administrator at least ten (10) days prior to the Town Council meeting at which first consideration is desired. The Town Engineer shall provide the Town Council with an estimate cost of the bonded improvements. The Town Attorney shall review the bond agreement document and provide the Town Council with a recommendation.
- (c) Any improvements in a proposed subdivision or development may be bonded in sections provided that these sections are indicated on the approved subdivision plat or site plan and that the Administrator has found that provisions have been made to insure that these improvements can be enjoyed without undue risk to public safety. Improvements such as temporary cul-de-sacs and traffic barricades will be included in the estimate of improvements. Where possible, sections shall begin and terminate at street intersections or other logical points.

6.4.1 BOND GUARANTEE

- (a) The purpose of the bond guarantee is to provide the Town with a source of funds to complete the required improvement if the developer defaults in the performance of the Agreement for Construction of Improvements.
- (b) The following bond guarantees are acceptable provided they are consistent with the regulations below:
 - (i) Cash escrow may be posted to guarantee any performance agreement. The funds shall be deposited with the Town in an interest bearing account. Interest will be available to the Town in the case of default or breach of the Agreement for Construction of Improvements. If the improvements are successfully completed this interest shall be refunded to the developer.
 - (ii) Irrevocable letters of credit from financial institutes are acceptable provided they are approved by the Town Attorney and the following conditions are met:

- ((a)) All letters of credit shall be in a form approved by the Town Attorney.
 - ((b)) Letters of credit shall extend six (6) months beyond the expiration date of the performance agreement.
 - ((c)) The letter of credit shall contain the conditions of automatic renewal providing that the letter of credit will automatically be extended for additional periods of six months unless the Administrator is notified in writing, by certified mail, with return receipt requested, at least ninety (90) days in advance of the present or future expiration date, that the issuing bank does not intend to extend such letter of credit.
 - ((d)) The lending institution must be insured by the Federal Deposit Insurance Corporation (FDIC) and be chartered in the State of Virginia or shall have a designated agent in Virginia.
- (iii) Corporate surety bonds are an acceptable method of guaranteeing performance agreements provided the following conditions are met:
 - ((a)) All corporate surety bonds shall be in a form approved by the Town Attorney.
 - ((b)) Bonds shall be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia.
 - ((c)) The surety shall hold a certificate of authority to act as surety from the Federal Government on Federal projects or have a rating of XV or better as evaluated by Best's Key Rating.

6.4.2 EXTENSIONS AND REDUCTION OF PERFORMANCE BONDS

- (a) Performance agreements may be extended for periods of one-year or less. Any request for extension shall be accompanied by an estimate of the remaining work and a timetable for the completion of the improvements. Upon recommendation by the Zoning Administrator, Town Council shall act within thirty (30) days of any written request to extend a performance agreement. In considering an extension of the performance agreement, the Council shall consider the following factors:
 - (i) Current rating of corporate surety and status of the financial institution.
 - (ii) Progress in completing the subdivision or site plan
 - (iii) Complaints received about nuisances resulting from the development of the property.
 - (iv) Cost estimate of completing the subdivision.

- (b) Bond reduction requests shall be approved by the Town Council in accordance with the provisions of *Va. Code* sec. 15.2-2245. Upon recommendation by the Zoning Administrator, the Council shall act or respond within thirty (30) days of the receipt of any written request for a bond reduction. If any deficiencies in completed improvements remain, the Zoning Administrator shall transmit a list of the deficiencies to the applicant within thirty (30) days of the reduction request.

6.4.3 WARRANTY, MAINTENANCE AGREEMENTS

- (a) A warranty agreement shall be executed for the repair or replacement of defective materials and workmanship the required public improvements for a period of time extending for one year from the date of Town Council acceptance of such improvement. A bond conforming to the requirement of Section 6.4.6 shall be submitted with the agreement. The bond shall equal five (5) percent of the total cost of the bonded improvements in the subdivision or development.
- (b) A maintenance bond may be required in accordance with the provisions of *Va. Code* sec. 15.2-2241 A 5 for roads constructed for acceptance into the state highway system which, for reasons other than quality of construction, are not eligible for acceptance at the time the project of which they are a part has been completed and accepted.

6.4.4 ACCEPTANCE OF IMPROVEMENTS AND RELEASE OF AGREEMENT FOR CONSTRUCTION OF IMPROVEMENTS

- (a) The Town Council shall accept public improvements installed by a subdivider or developer which meet the following conditions:
 - (i) The completed improvements comply with the design standards of Article IV.
 - (ii) Public improvements have been completed in accordance with Article V.
 - (iii) Installation of public improvements has been completed in accordance with approved plans.
 - (iv) All required final inspections have been completed and the improvements were found to be acceptable to the Zoning Administrator.
 - (v) The subdivider or developer shall have prepared and submitted one reproducible set and two sets of prints of plans that accurately depict the bonded improvements for which the Town is to be responsible for operation and maintenance.
 - (vi) The subdivider or developer, by appropriate instrument in a form approved by the Town Attorney, has conveyed to the town good title free of all liens to all public improvements for which the town is to be responsible for operation and maintenance.

- (b) The Council shall release developers from agreements for construction of improvements when the subdivisions are vacated pursuant to *Va. Code* sec. 15.2-2271 or 15.2-2272.

6.4.10 REQUIRED APPROVALS OF FINAL SITE PLAN AND FINAL PLAT

The following approvals shall accompany or be shown on a final plat or plan and shall be necessary for its approval:

- (a) Certification by a registered surveyor that the final plat is correct.
- (b) Certification by a registered engineer or a licensed 3(b) land surveyor that the final plan has been prepared in accordance with the requirements of this Ordinance.
- (c) Administrator approval of the final plan and final plat.
- (d) Town Attorney approval of the final plat.
- (e) Agreement of public improvements authorized by Town Council and one of the requirements of Sections 2.9.6 and Section 3.5.6 completed.

6.4.11 FEES

Applicants may be charged fees sufficient to recover incurred costs for the review of applications for a preliminary subdivision plat; a final subdivision plan; a boundary line adjustment; a minor subdivision; a preliminary site plan, a final site plan; a set of construction drawings; a preliminary/final site plan; an inspection; a phasing plan; a bond reduction; a bond release; and a variation. A Schedule of Fees applicable to such reviews, may be adopted in accordance with the provisions of § 15.2-107, Code of Virginia, 1950 (as amended).

- 6.4.12 For engineering, legal and planning consultant fees incurred by the Town in connection with the preparation or review of plats, plans, construction drawings, site plans, location permits, rezonings, specifications, establishing grades, inspecting and accepting work, agreements for construction of improvements, bond documents, addressing specific questions, and revisions, fees equal to the actual cost incurred by the Town shall be charged. Prior to a motion being made, a document being signed, or a permit approved, the actual consultant fees shall be determined and, if in excess of the amount deposited, such excess will be paid. All expenses incurred from former plats, plans, construction drawings, development plans, location permits, rezoning, inspecting work, the drafting and review of agreements, bond documents, addressing specific questions, and revisions, shall be paid before any new plats, plans, permits, inspections, agreements or bonds are reviewed by the Town.

ARTICLE VII

DEFINITIONS

- 7.1 This article shall be read in conjunction with the Zoning Ordinance
- 7.2 References to the Town Council officers, agencies, boards or Planning Commission shall be the Council officers, agencies, boards, or Commission of the Town unless the context requires otherwise.
- 7.3 As used in this Article, the following terms or words shall have the meaning given below:
- 7.3.1 Adequate Outfall: a natural or man-made channel or pipe capable of conveying the runoff from a 10-year design storm without overtopping its banks or eroding after development of the site in questions. A receiving channel may also be considered adequate at any point where the total contributing acreage is at least 100 times greater than the drainage area of the development site in questions or it can be shown that the peak rate of runoff from the site for a 10-year design storm will not increase after construction.
- 7.3.2 Alley: A narrow public way giving only secondary access to abutting property.
- 7.3.3 Building Restriction or Building Setback Line: A line showing the minimum distance by which any structure must be separated from the property lines of a lot.
- 7.3.4 Commission: The Planning Commission of the Town of Lovettsville, Virginia.
- 7.3.5 Council: The Town Council of Lovettsville, Virginia.
- 7.3.6 Developer or Subdivider: Any person holding an interest in land, the division or development of which requires one or more reviews or approvals under the provisions of this ordinance.
- 7.3.7 Engineer: A professional engineer licensed by the Commonwealth of Virginia.
- 7.3.8 Major Arterials: Those streets that carry the principal portion of the vehicular trips entering and leaving urban areas as well as the majority of through movements within town, or as shown as major arterials in the Town Plan.
- 7.3.9 Owner: As applied to a building or land, the term “owner” shall include the person who is part owner, joint owner, tenant in common, joint tenant or tenant by entirety of the whole or part of any such building or land.
- 7.3.10 Person: Any individual, firm, partnership, corporation, association or any other group acting as a unit having an interest, whether legal or equitable, sole or partial, in any land which may be subdivided or developed under the provisions of this ordinance.
- 7.3.11 Public Utilities: A company, government agency, or other entity that is regularly engaged in providing electricity, water, sanitary sewer, storm sewer, gas, telephone, fiber optic, cable or similar communications and the facilities and appurtenances thereto, under Federal or State or local regulation
- 7.3.12 Required Specifications: Any one or combination of the following, as applicable:
- (1) Loudoun County Facility Standards Manual, latest edition

- (2) Construction Standards, Water Distribution Systems - Standards and Extensions, Loudoun Water
- (3) Construction Standards, Sewer Systems- Standards and Extensions, Loudoun Water
- (4) The Town of Lovettsville Comprehensive Plan
- (5) Federal Emergency Management Agency (F.E.M.A.) floodway studies for Loudoun County
- (6) Commonwealth of Virginia "Sewer Regulations", latest edition
- (7) Commonwealth of Virginia "Waterworks Regulations", latest edition
- (8) Erosion and sedimentation control regulations contained in the Loudoun County Soil Erosion Control Ordinance, and the Virginia Erosion and Sedimentation Control Handbook, as adopted and amended from time to time.
- (9) Virginia Department of Transportation, "Road and Bridge Standards", "Subdivision Street Requirements", "Base and Pavement Design", Minimum Standards of Entrances to State Highways", and "Drainage Manual".

7.3.14 Street: A public way for the passage of vehicles and pedestrians, and giving primary access to abutting property. The term street shall include road, lane, drive, trail, court, place, terrace, avenue, highway, boulevard, or any other thoroughfare for a similar purpose. For the purposes of this ordinance, an "existing public street" or "existing public road" shall mean a street maintained by the Virginia Department of Transportation as part of the state highway system or secondary system of state highways.

7.3.15 Subdivide: To divide any tract, parcel or lot of land into two or more parts.

7.3.16 Subdivision: The division of any tract of land into two or more lots for the purpose, either immediate or future, of transferring ownership or recordation. For the purposes of this ordinance "subdivision" shall include condominium development whether or not a division of land is effected. Division of land for the purpose of lease, transfer of (partial) undivided interest, granting or extinguishment of easements, creation of or extinguishment of dower or curtesy rights, subordinating or otherwise affecting the priority of liens, plats of conformation, and related transfers of interests in land not directed at the creation of lots or parcels for sale, transfer or recordation, shall not be considered an act of subdivision.

7.3.17 Town: The Town of Lovettsville, Virginia.

7.3.18 Town Plan: The Town of Lovettsville Comprehensive Plan as adopted by the Council.

7.3.19 Zoning Administrator: The Zoning Administrator, or other agent duly appointed by the Town Council to perform the duties of the Zoning Administrator enumerated in this ordinance.